

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, FEBRUARY 11, 2003 AT 10:00 A.M.  
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**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, FEBRUARY 11, 2003 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS - 12TH FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101  
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**NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.**

**OTHER LEGISLATIVE MEETINGS**

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at 533-5432.

A Special Meeting of the **SAN DIEGO HOUSING AUTHORITY** has also been scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7540.

ITEM-300:               ROLL CALL.

## **NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

## **COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

## **REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

## **ADOPTION AGENDA, HEARINGS**

### **NOTICED HEARINGS:**

ITEM-330: Canyon Hills Community Church.

Matter of approving, conditionally approving, modifying, or denying a Site Development Permit, Conditional Use Permit, Easement Abandonment and Street Vacation amending Development Plan Permit 89-0565 to allow the further development and construction of an existing 4.6 acre church site with a 192 space partially subterranean parking garage, 20,761 square foot, two story auditorium with classrooms and offices, and a 9,874 square foot, two story classroom building and vacate a remnant portion of Black Mountain Road and vacate existing water and sewer easements no longer needed located on the property. The site is located on the north side of Del Mar Heights Road east of Lansdale Drive at 5180 Black Mountain Road in the Carmel Valley Community Plan.

(SDP-2814/CUP-2324/Easement Vacation No. 9580/Street Vacation No. 6616/Amending Development Plan Permit No. 89-0565/MND LDR-41-0712, PTS-1131. Carmel Valley Community Plan area. District-1.)

## **CITY MANAGER'S RECOMMENDATION:**

Adopt the resolutions in subitems A and B; and adopt the resolution in subitem C to grant the permit:

Subitem-A: (R-2003-880)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-41-0712 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a site development permit, conditional use permit amendment and easement vacation for the Canyon Hills Community Church project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2003-881)

Adoption of a Resolution certifying that the street vacation and water and sewer easement, as more particularly shown on Drawing No. 19741-B, and described in the legal description marked as Exhibit "A," and "A1," respectively, is ordered vacated;

That the City Clerk shall cause a certified copy of this resolution, attested by him under seal, to be recorded in the office of the County Recorder.

Subitem-C: (R-2003- )

Adoption of a Resolution granting or denying Site Development Permit No. 2814/Conditional Use Permit No. 2324, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission on December 5, 2002, voted 6 - 0 to approve; was opposition.

Ayes: Brown, Lettieri, Anderson, Chase, Schultz, Steele  
Not present: Garcia

Minutes from the Carmel Valley Community Planning Board indicate an approval by a consent vote in May 2002.

### **SUPPORTING INFORMATION:**

Canyon Hills Community Church proposes the further development and construction of an existing 4.6 acre church site with a 192 space partially subterranean parking garage, 20,761 square foot, two-story auditorium with classrooms and offices, and a 9,874 square foot, two-story classroom building at a site located on the north side of Del Mar Heights Road east of Lansdale Drive at 5180 Black Mountain Road in the Carmel Valley Development Unit 4A Precise Plan of the Carmel Valley Community Plan. The project requires the approval of a street vacation, water and sewer easement abandonment and a site development permit/conditional use permit. The project conforms with all City Policies and regulations relevant to the proposal.

Minutes from the Carmel Valley Community Planning Board indicate an approval by a consent vote in May 2002.

At the Planning Commission hearing on December 5, 2002, the Commission voted 6:0:0 to recommend approval of the staff recommendation.

Canyon Hills Community Church is proposing to expand by an additional 30,635 square feet. The proposed expansion is estimated to generate approximately 460 average daily trips. The proposed project incorporates its direct access to the site from Del Mar Heights Road. The project's traffic impacts to the surrounding community would be minimal.

The project is less than five acres in size, which does not exceed the threshold to comply with the State Water Resources Control Board Order No. 92-08-DWQ (NPDES General Permit No. CAS 0000002). The project is required to provide erosion control measures during construction, consistent with the Municipal Code. Conditions included in the draft permit require the developer to implement construction and post-construction Best Management Practices.

City staff recommends certification of the Mitigated Negative Declaration No. 41-0712 and adoption of the Mitigation Monitoring and Reporting Program; and approval of the Street Vacation No. 6616 and Water and Sewer Easement Abandonment No. 9580, Site Development Permit No. 2814 and Conditional Use Permit No. 2324.

### **TRAFFIC IMPACT:**

The proposed Canyon Hills Community Church Expansion project is estimated to generate approximately 460 average daily trips (ADT). 100 of these trips are estimated to occur on State Route 56 west of Carmel Country Road, which has an estimated near-term plus project volume of 30,050 ADT. The proposed expansion will be completed by the third quarter of 2004. The proposed

project incorporates direct access from Del Mar Heights Road. The project's traffic impacts to the surrounding area would be minimal.

**FISCAL IMPACT:**

No cost to the City, all costs are recovered by a deposit account funded by the applicant.

Ewell/Escobar-Eck for Christiansen/JSF

**LEGAL DESCRIPTION:**

The property is located on the north side of Del Mar Heights Road, just east of Lansdale Drive, addressed as 5180 Black Mountain Road, in Carmel Valley Neighborhood 4A and is more particularly described as the Northwest Quarter of the Northeast Quarter of Section 17, Township 14 South, Range 3 West.

**NOTE:** The street vacation is exempt pursuant to the California Environmental Quality Act and State CEQA Guidelines under Article 19, Section 15301-1.

**ADOPTION AGENDA, HEARINGS**

**NOTICED HEARINGS:**

ITEM-331: Six actions related to the Proposed Annexation of Improvement Area No. 4 to City of San Diego Community Facilities District No. 2 (Santaluz).

(See City Manager Report CMR-03-002. Black Mountain Ranch-Subarea I of the Future Urbanizing Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions in Subitems A, B, C, D, and F; and introduce the ordinance in Subitem E:

Subitem-A: (R-2003-926)

Resolution of the Council of the City of San Diego, acting in its capacity as the legislative body of Community Facilities District No. 2 (Santaluz), calling an election regarding the annexation of certain land to be designated as Improvement Area No. 4 of Community Facilities District No. 2 (Santaluz).

Subitem-B: (R-2003-929)

Resolution of the Council of the City of San Diego, California, acting in its capacity as the legislative body of Community Facilities District No. 2 (Santaluz), certifying the

results of the February 11, 2003 election annexing certain territory as Improvement Area No. 4 and authorizing the levy of a special tax therein.

Subitem-C: (R-2003-927)

Resolution of the Council of the City of San Diego acting as the legislative body of Community Facilities District No. 2 (Santaluz), determining the necessity to incur bonded indebtedness within Improvement Area No. 4 of Community Facilities District No. 2 (Santaluz) and calling an election therein.

Subitem-D: (R-2003-928)

Resolution of the Council of the City of San Diego acting in its capacity as the legislative body of Community Facilities District No. 2 (Santaluz), certifying the results of the February 11, 2003 special bond election for Improvement Area No. 4.

Subitem-E: (O-2003-109)

Introduction of an Ordinance of the Council of the City of San Diego, State of California, acting in its capacity as the legislative body of Community Facilities District No. 2 (Santaluz) authorizing the levy of a special tax within Improvement Area No. 4 of such district.

Subitem-F: (R-2003-949)

Adoption of a Resolution certifying that the information contained in the final document, including any comments received during the public review process, has been reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of Community Facilities District No. 2 (Santaluz), Improvement Area No. 4 Annexation and financing actions;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

### **SUPPORTING INFORMATION:**

On January 7, 2003, the City Council adopted three resolutions associated with these actions:

Resolution No. R-297517 declared the City Council's intention to consider the annexation of additional land into Community Facilities District No. 2 (Santaluz) (the "District"), establish Improvement Area No. 4 within the District, and authorize the levy of Special Taxes, and also approved the form of, and authorized the execution of, a Purchase and Finance Agreement, and directed the preparation of a revised Community Facilities District Report, describing the rationale for the proposed annexation;

Resolution No. R-297518 declared the City Council's intention to authorize the issuance of bonded debt within Improvement Area No. 4; and

Resolution No. R-297519 stated for the record that the final Environmental Impact Reports had been reviewed and considered.

The actions today involve a noticed public hearing, at which the City Council will be asked to hear testimony either for or against the proposed annexation and debt issuance. At the close of the hearing, the City Council will be asked to conduct two special elections among the qualified District voters within the proposed Improvement Area No. 4. Upon completion of the special elections, the results will be tallied and certified. Assuming favorable votes, the City Council will be asked to ratify the proposed annexation and the establishment of a maximum bonded indebtedness of \$10.5 million for Improvement Area No. 4.

In conjunction with the above actions, a new ordinance would be introduced, authorizing the levy of special tax within the new Improvement Area No. 4 of the District, in accordance with the Rate and Method of Apportionment of Special Tax.

The public infrastructure that would be financed through the proposed debt issuance includes improvements to El Camino Real from Derby Downs Road to San Dieguito Road, improvements to a Community Park located on Carmel Valley Road east of Black Mountain Road, and certain offsite water and sewer improvements.

It is recommended that the City Council adopt the above referenced resolutions and ordinance. City staff, in conjunction with the City's financing team for the project, have determined that the proposed annexation and bond issuance meets the City's land secured financing criteria and should ensure that the public facilities proposed to be financed, the bulk of which are described in the Black Mountain Ranch Public Facilities Financing Plan, as approved by the City Council, can be built in a timely manner.

#### **FISCAL IMPACT:**

None. All costs related to determining financial feasibility of the proposed annexation to CFD No. 2, including financial advisory services, legal counsel, special tax consulting, appraisal services, and City staff have been funded by the property owners within the proposed Improvement Area.

Frazier/Vattimo/MSI

**NOTE:** The City of San Diego as Lead Agency under CEQA has reviewed and considered two EIRs, LDR-95-0173, dated September 20, 1995, adopted October 31, 1995, by Resolution R-286501; LDR-96-7902, dated June 25, 1998, adopted July 28, 1998 by Resolution R-290524; and three addendums covering this activity: Addendum No. 99-1364, dated January 25, 2001, adopted May 1, 2001 by Resolution R-294812; Addendum No. 41-0480, dated December 13, 2001, adopted April 9, 2002 by Resolution R-296290; and Addendum No. 40-0969 dated August 14, 2001, adopted December 11, 2001 by Resolution R-295878.



**ADOPTION AGENDA, HEARINGS**

**NOTICED HEARINGS:**

ITEM-332: Resolution of Intention to Vacate Portions of Sorrento Valley Road.

(Torrey Pines Community Plan Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-896)

That the City Council declares that it intends to vacate a portion of Sorrento Valley Road, as more particularly shown on Drawing No. 19781-B, as described in the legal description marked as Exhibit "A", both of which are on file in the office of the City Clerk.

That the vacation of the above-mentioned portion of Sorrento Valley Road is being conducted under Chapter 3 of the California Streets and Highways Code, and Chapter 12, Article 5, Division 9, of the San Diego Municipal Code.

That the City Council will hold a public hearing for the vacation of the above-mentioned portion of Sorrento Valley Road on February 25, 2003, 10:00 a.m., at the City Council Chambers located at 202 "C" Street, San Diego, CA 92101.

**SUPPORTING INFORMATION:**

This Resolution of Intention sets the time and place for the hearing on whether to vacate a portion of Sorrento Valley Road from Carmel Mountain Road to Carmel Valley Road. This action is being taken to notify the public that the Sorrento Valley Road Reuse Project will be heard by the City Council on February 25, 2003. There is no public testimony with this action. On the docket of February 25, 2003 City Council will hear the project to vacate a portion of Sorrento Valley Road as more particularly shown on Drawing No. 19781-B and as generally described in the legal description marked as Exhibit A. All public testimony regarding the project will be taken at that time.

Ewell/Christiansen/DNJ

**NOTE:** This resolution of intent is not subject to the California Environmental Quality Act. However, all future actions have been analyzed in EIR LDR No. 42-0026 prepared for the project. It will be necessary for decision makers to review and consider this document prior to acting on the project.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:

ITEM-333: Redevelopment Agency Fiscal Year 2002 Annual Financial Report.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-953)

Accepting the Fiscal Year 2002 Annual Financial Report of the Redevelopment Agency of the City of San Diego, submitted pursuant to California Health and Safety Code, Division 24, Part I.

**NOTE:** See the Redevelopment Agency Agenda of 2/11/2003 for a companion item.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:

ITEM-334: Crossroads Redevelopment Project.

(See City Manager Report CMR-03-011, RA-03-05. College and Mid-City (City Heights and Eastern) Community Areas. Districts-4 and 7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-937)

Consenting to a joint public hearing on the proposed Redevelopment Plan for the Crossroads Redevelopment Project and authorizing the establishment of a date, time, and place;

Authorizing publication and mailing of notice of the joint public hearing on the proposed Redevelopment Plan.

**NOTE:** See the Redevelopment Agency Agenda of 2/11/2003 for a companion item.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT



## THE CITY OF SAN DIEGO **MANAGER'S REPORT**

DATE ISSUED: December 31, 2002 REPORT NO. 03-002

ATTENTION: Honorable Mayor and City Council  
Docket of January 7, 2003

SUBJECT: Proposed Annexation of Improvement Area No. 4 to Community Facilities  
District No. 2 (Santaluz).

REFERENCE: None

### SUMMARY

Issue -Should the City Council adopt three resolutions, on behalf of the property owners within the proposed Improvement Area No. 4 of Community Facilities District No. 2 (Santaluz) ("District"):

- 1) Declaring the City's intention to annex territory to Community Facilities District No. 2 (Santaluz), designating the annexed territory as Improvement Area No. 4 within the District, authorizing the levy of special taxes to pay the costs of acquiring or constructing certain facilities and expenses of the District, authorizing payment of debt service on bonded indebtedness, and approving the form of a Purchase and Finance Agreement between the City and the property owners;
- 2) Declaring the City's intention to incur bonded indebtedness within the proposed Improvement Area No. 4 of Community Facilities District No. 2 (Santaluz) in an aggregate principal amount not to exceed \$10.5 million; and
- 3) Stating for the record that the final Environmental Impact Reports have been reviewed and considered prior to approving the project and directing the City Clerk to file a Notice of Determination?

Manager's Recommendation - Adopt the resolutions.

Other Recommendations - None.

Fiscal Impact - None. In accordance with Council Policy 800-03, “Public Infrastructure Financing Assessment Districts and Community Facilities”, all costs related to determining financial feasibility of the proposed annexation to Community Facilities District No. 2 (Santaluz), including financial advisory services, legal counsel, special tax consulting, appraisal services, and City staff have been funded by the property owners within the proposed improvement area. If the annexation to the District is approved and bonds are issued, all costs related to financing the improvements and all incidental expenses related to annexation and administration of the improvement area will be borne by the property owners within Improvement Area No. 4 of the District.

## BACKGROUND

The geographic boundaries of the proposed annexation territory are within the Black Mountain Ranch Community (Subarea 1 of the North City Future Urbanizing Area). The bulk of the public facilities proposed to be financed are described in the Black Mountain Ranch Public Facilities Financing Plan (PFFP), as approved by the City Council. Provision of major public facilities within this and the surrounding subareas is generally governed by the associated PFFP. These documents provide that public facilities projects that benefit a population larger than the local/adjacent development can be financed by a number of methods, such as Development Impact Fees, Facilities Benefit Assessments, Assessment Districts, and Community Facilities Districts.

The Mello-Roos Community Facilities Act of 1982 (the “Act”) was enacted by the California State Legislature to aid growing areas of the State in the financing of certain essential public facilities which normally accompany major development projects. The Act permits cities to create defined areas within their jurisdiction and, by a two-thirds majority vote within the defined area, impose special taxes on the property owners for the purpose of financing needed public improvements. The Act defines the area subject to a special tax as a Community Facilities District (CFD), and the qualified electors are defined to be the registered voters residing within the district. If there are fewer than twelve registered voters within the district, the qualified electors are defined as the owners of the land within the district, with each landowner entitled to one vote per acre, or portion thereof.

Once a CFD is formed, the district is empowered to levy a special tax that may be utilized to directly finance certain public facilities and services, or may be pledged to support debt service on bonds issued to finance needed public facilities. Special taxes are calculated and levied against each assessor’s parcel of land within the district pursuant to the Rate and Method of Apportionment of Special Tax. The special tax is levied on an annual basis, and is collected in the same manner as ordinary ad valorem property taxes.

Previous Council actions formed Community Facilities District No. 2 (Santaluz), established three Improvement Areas therein, authorized the levy of special taxes, and authorized the issuance of

up to \$62,200,000 of Improvement Area No. 1 bonds, \$3,000,000 of Improvement Area No. 2 bonds, and \$4,800,000 of Improvement Area No. 3 bonds. To date, a total of \$60,370,000 of bonds have been issued, and approximately \$36,000,000 of public improvements have been acquired by the City.

In June, 2002, the property owners, who currently are developing the land within the proposed Improvement Area No. 4 of Community Facilities District No. 2, submitted an application to the City for public financing of certain infrastructure, including Community Park improvements; improvements to El Camino Real; and certain offsite water and sewer improvements.

Following review and approval of the application for public financing, in October, 2002, the property owners submitted a petition requesting that the City Council institute proceedings to annex additional territory into Community Facilities District No. 2 (Santaluz) as Improvement Area No. 4, authorize the issuance of bonded indebtedness, and authorize the levy of special taxes to finance certain public facilities to be acquired by the City. Adoption of the above referenced resolutions will begin the formal legislative proceedings requisite to the annexation of Improvement Area No. 4 into Community Facilities District No. 2.

## DISCUSSION

Council Policy 800-03 allows the use of assessment or community facilities district proceedings to finance improvements which are a requirement of development permits or agreements. To be eligible for Community Facilities District financing, the facilities to be financed must be large in scope, and the public financing mechanism must provide some other extraordinary benefit which otherwise would not be realized through the normal subdivision process. These criteria can be met if the public financing mechanism will result in provision of the proposed improvements in a more timely fashion, or if public financing will facilitate a project that multiple developments are responsible for providing. The proposed creation and annexation of Improvement Area No. 4 of Community Facilities District No. 2 will accelerate the improvement of El Camino Real, a necessary major transportation link in the City, and will provide funding for the initial improvements and early utilization of a 30 acre Community Park, which will provide benefits to the Black Mountain Ranch, Torrey Highlands, and Rancho Penasquitos communities.

In addition, Council Policy 800-03 provides that Council consideration of a developer request for assessment or community facilities district financing will only be made following completion of an overall feasibility analysis. As part of the preliminary evaluation of the annexation proposal, and in accordance with Council Policy 800-03, the City commissioned a feasibility analysis, prepared by the independent financial advisory firm of Fieldman, Rolapp & Associates. The analysis discusses various aspects of the proposed district and financing mechanism, and sets forth certain recommendations related to the City's consideration of approving Community Facilities District financing for the project. After review of this analysis, City staff and the financial advisor are recommending that the City proceed with the formation of the proposed Improvement Area No. 4 annexation to Community Facilities District No. 2.

Adoption of the two Resolutions before the City Council today will authorize the following actions:

Resolution #1:

Formal action declaring the City's intention to annex territory to Community Facilities District No. 2 (Santaluz), establish the boundaries of the property to be annexed to the district, designate the annexed territory as Improvement Area No. 4, identify the types of facilities to be financed, approve the Rate and Method of Apportionment of special taxes, authorize the levy of special taxes within the District, set the time and place for a public hearing on the annexation, establish voting procedures, and approve the Purchase and Finance Agreement between the City and property owners to facilitate the City's acquisition of the public facilities to be financed by the district.

Resolution #2:

Formal action declaring the City's intention to incur bonded indebtedness within Community Facilities District No. 2, Improvement Area No. 4, in a maximum aggregate principal amount of \$10.5 million, to finance (a) the purchase, construction, modification, expansion, improvement or rehabilitation of certain public facilities, and, (b) the incidental expenses to be incurred in connection with financing the Facilities and forming and administering the District, and to set the time and place for a public hearing on the proposed debt issuance for Improvement Area No. 4.

ALTERNATIVE

Do not approve the aforementioned resolutions to begin the formal legislative proceedings to initiate the proposed annexation to Community Facilities District No.2.

Respectfully submitted,

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Mary Vattimo  
City Treasurer

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Approved: Patricia T. Frazier  
Deputy City Manager

VATTIMO/CW/MSI